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OFFICE OF PETITIONS

In re Application of
Ronald P. Luijten et al
Application No. 09/202,365
Filed: December 10, 1998
Attorney Docket No. CH91997003US1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 6, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

See MPEP 711.03(c)(III)(A)(1). Therefore, the filing of a request for continued examination (RCE) is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization contained in the RCE transmittal to change any additional fees due, the \$1,400 issue fee will be charged to Deposit Account No.09-0468. The issue fee is not refundable. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

The above-identified application is being revived solely for purposes of continuity with a request for continued examination (RCE) filed on April 6, 2005.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2661.

Wan Laymon
Wan Laymon

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy